

GEORGIA HAZARDOUS WASTE FACILITY SITING PROVISIONS

Topics

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Relevant Statutes and Regulations:

- G Rules of Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-11, Hazardous Waste Management, Adopted: December 6, 1995, Effective: December 28, 1995
- G Georgia Hazardous Waste Management Act & Hazardous Site Response Act, including 1994 Amendments, Article 3, Hazardous Waste, §§ 12-8-60 through 12-8-97
- G <http://www.ganet.org/dnr/> - the rules can be located from the home page

Other Relevant State Documents:

- G None.

State Hazardous Waste Facility Siting Provisions

Web Site for the State Environmental Agency

G <http://www.ganet.org/dnr>

Affected Facilities:

G All treatment, storage and disposal facilities that are subject to 391-3-11-.10(2) (the analog to 40 CFR Part 264) and are required to obtain a permit to operate such a facility.

Definitions of Facility Types:

G Facility means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them). (Same as Federal, 40 CFR Part 260.10, incorporated by reference at 391-3-11-.02)

Georgia Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
ADMINISTRATION			
STATE ADMINISTERING AGENCY			
The Director of the Environmental Protection Division of the Department of Natural Resources – responsibilities	PA	391-3-11-.01(2)(a), 391-3-11-.11 and <i>[12-6-65(a)]</i>	Responsible for permit review and issuance. Process is very similar to the Federal except there are some differences in the public participation requirements.
THE INTERAGENCY COORDINATING COUNCIL			
Not applicable.			
INDEPENDENT SITING BOARD			
Not applicable.			

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LOCAL COMMUNITY NEEDS AND INVOLVEMENT			
LOCAL REVIEW/INVOLVEMENT			
No provisions found.			
OTHER AGENCY OR GOVERNMENTAL ENTITY INVOLVEMENT			
No provisions found.			
COMPATIBILITY OF FACILITY SITE WITH LOCAL SOLID WASTE MANAGEMENT PLANS			
No provisions found.			
IMPACT OF FACILITY ON LOCAL LAND USE			
No provisions found.			

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PUBLIC PARTICIPATION			
The federal regulations regarding the public participation process for the permitting of hazardous waste (RCRA) facilities can be viewed at http://earth1.epa.gov/epacfr40/chapt-I.info/subch-D/40P0124.pdf within the Part 124 Procedures for Decisionmaking. (State regulations cannot be less stringent than the federal counterparts.)			
NOTIFICATION			
First Notice of receipt of Hazardous Waste Facility Permit Application	PA	391-3-11-.11(4) <i>[12-8-66(h)]</i>	<p>The Director, within 15 days of receipt of an application for a Hazardous Waste Facility Permit, must provide a written notice to the following:</p> <ul style="list-style-type: none"> ! the government of the county in which the facility is located or proposed to be located. ! each city government located wholly or partially within that county, ! government of each county and city having territorial boundaries within two miles of the hazardous waste facility or proposed hazardous waste facility. <p>The notice must state that an application has been received and it must describe the hazardous waste activities the applicant proposes to conduct.</p>
Second Notice of receipt of Hazardous Waste Facility Permit Application	PA	391-3-11-.11(4) <i>[12-8-66(h)]</i>	<p>Within 30 days after first receipt of a Hazardous Waste Facility Permit Application, the Director must also publish in at least one newspaper of general circulation in the county a public notice that an application for a hazardous waste facility permit has been received.</p>

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Notice of Public Hearing	PA	391-3-11-.11(4), 391-3-11-.11(4)(a) and <i>[12-8-66(h)]</i>	<p>At least 45 days prior to the date of the public hearing, the Director must provide a written notice to the various local governmental subdivisions and other interested parties in the locality in which the proposed facility may be located. The notice must include:</p> <ul style="list-style-type: none"> ! notice that a public hearing has been requested, ! the date, time and location of the public hearing, and ! the purpose of the public hearing. <p>At least 45 days prior to the date of the public hearing, the date, time, location and purpose of the public hearing must be advertised in the legal origin of the county in which the facility is proposed to be located.</p> <p>In addition, Georgia incorporates 40 CFR 124.10 by reference.</p>
PUBLIC MEETING			
No provisions found.			

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PUBLIC HEARINGS			
Public Hearing relative to a Hazardous Waste Facility Permit Application	PA	391-3-11-.11(4), 391-3-11- .11(4)(b)-(g), and <i>[12-8-66(h)]</i>	<p>A public hearing must be held if it is requested in writing within 30 days after the publication of notification of receipt of the application and it is requested by</p> <ul style="list-style-type: none"> ! 25 or more persons who claim to be affected by the pending permit application, ! A governmental subdivision, or ! an association having no fewer than 25 members. <p>If requested, the public hearing must be conducted at the county seat of the county in which the hazardous waste facility is proposed to be located.</p> <p>The purpose of this hearing is to receive comments and suggestions concerning the location and requirements for the operation of a hazardous waste facility. The Director must consider fully all written and oral submissions regarding the proposed facility and the pending application.</p> <p>In addition, the State has incorporated 40 CFR 124.11, 124.12(a), 124.13 through 124.15, and 124.17(a) and (c) by reference. 40 CFR 124.13 through 124.15 are not required for authorization. 40 CFR 124.13 addresses the obligation to raise issues and provide information during the public comment period. 40 CFR 124.14 addresses reopening of the public comment period, and 40 CFR 124.15 addresses the issuance and effective date of the permit.</p>
Payment of Public Hearing Expenses	PA	391-3-11-.11(4)(h)	The owner or operator of any hazardous waste treatment, storage or disposal facility must pay any costs or expenses associated with public notices or notifications required by these rules including, but not limited to, public notices or notifications relating to permitting and closure activities.

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ADJUDICATORY HEARINGS			
No provisions found.			
OTHER			
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SITING RESTRICTIONS AND PROHIBITIONS			
Federal siting restrictions and prohibitions can be viewed at http://www.epa.gov/epacfr40/chapt-I.info/subch-I/ by selecting “Part 264 (Updated 1997) - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities”. The regulatory requirements are in Location Standards at 264.18 in the document. (State regulations cannot be less stringent than the federal counterparts.)			
SOIL AND WATER			
No provisions found.			
SEISMIC CONSIDERATIONS			
Placement near fault restricted	NA	391-3-11-.10(2)	Portions of new facilities where treatment, storage, or disposal of hazardous waste will be conducted must not be located within 61 meters of a fault which has had displacement in Holocene time. (This requirement is the same as the Federal requirement at 40 CFR 264.18(a)(1)).
FLOODING AND EROSION			
Floodplain restrictions	NA	391-3-11-.10(2)	A facility in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any hazardous waste by a 100-year flood unless the owner or operator can demonstrate to the satisfaction of the Director of the Environmental Protection Division of the Department of Natural Resources that the wastes can be safely removed before the floodwaters can reach the facility, or that there will be no adverse affects on human health or the environment if washout occurs. (This requirement is the same as the Federal requirement at 40 CFR 264.18(b)).

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AIR			
No provisions found.			
DISTANCE LIMITATIONS/BUFFER ZONES			
Placement near fault restricted.	NA	391-3-11-.10(2)	Portions of new facilities where treatment, storage, or disposal of hazardous waste will be conducted must not be located within 61 meters of a fault which has had displacement in Holocene time. (This requirement is the same as the Federal requirement at 40 CFR 264.18(a)(1)).
OTHER HUMAN HEALTH CONSIDERATIONS			
No provisions found.			
ENVIRONMENTALLY SENSITIVE AREAS			
No provisions found.			
Endangered Species			
No provisions found.			
Critical Habitats			
No provisions found.			
Wetlands			
No provisions found.			
Wild, Scenic or Recreational Areas			
No provisions found.			

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Approved Farmland Preservation Areas			
No provisions found.			
Other			
Salt dome formations, salt bed formations, underground mines and caves.	PA	391-3-11-.10(2)	<p>The placement of any noncontainerized or bulk liquid hazardous waste in any salt dome formations, salt bed formation, underground mine or cave is prohibited.</p> <p>This requirement is the same as the Federal requirement at 40 CFR 264.18(c).</p>

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OTHER RESTRICTIONS			
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ENVIRONMENTAL JUSTICE CONSIDERATIONS			
No provisions found.			
ECONOMIC CRITERIA			
No provisions found.			
OTHER CRITERIA			
No provisions found.			

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